IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

**WRIT PETITION NO : 294 of 1999**

Between:

1. R.Vara Kumar, S/O Swamy Dass, R/O Indiranagar Village,
   CLN Palli Post, Varadaiahpalem Mandal, Chittoor District.
2. Pallamala Vani, W/O Munaswamy, R/O Indiranagar Village,
   CLN Palli Post, Varadaiahpalem Mandal, Chittoor District.

**..... PETITIONERS**

AND

1. The Joint Collector, Chittoor, Chittoor District.
2. The Mandal Revenue Officer, Varadaiahpalem Mandal,
   Chittoor District.

**....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of writ of Mandamus, declaring the impugned show cause notices in Roc.No.A/232/98, dated 24.10.1998 of the 2nd respondent and threatening the petitioners to dispossess them from their lands in Survey Nos.316/2 over an extent of Ac.1.70 cents Dry, and over an extent Ac.0.92 cents, Dry of a total extent of Ac.2.62 cents of C.L.N.Palli village, Varadaiahpalem Mandal, Chittoor District, as wholly illegal, highly arbitrary, unjust and unconstitutional, being violative of Articles 14, 21 and 300-A of the Constitution of India and consequently declare the same as void ab initio, null and void and nonest

in the eye of law.

**Counsel for the Petitioners: MR.C.PATTABHI NAIDU.**

**Counsel for the Respondents : GP FOR ASSIGNMENT**

**The Court made the following :**

**ORDER:**

The writ petition is filed against show cause notice issued under Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 calling upon the petitioners as to why the assignment made in their favour in the year 1996 should not be cancelled allegedly for contravention of Sub-section (2) of Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. It is well settled law that against a show cause notice, the writ petition would not lie. Though it is contended that the second respondent has no power or authority to issue impugned notice, it is always open to the petitioners to file explanation before the Mandal Revenue Officer. It is open to the petitioners to file explanation to show cause notice. As and when such explanation is filed, the Mandal Revenue Officer shall pass appropriate orders duly considering the question as to whether the provisions of the Act or Rules are attracted to the facts of the case.

The writ petition, with the above directions, without recording any finding on merits, is disposed of.

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**(V.V.S.RAO,J)**

21.07.2004.

pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Joint Collector, Chittoor, Chittoor District.
2. The Mandal Revenue Officer, Varadaiahpalem Mandal, Chittoor District.
3. 2 CCs to the G.P. for Assignment, High Court Buildings, Hyderabad (OUT).

4. 2 CD copies.